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opinion

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CONCORD, N.H.

Dr. Mary M. Atchison, M.D.
State Health Officer
61 South Spring Street
Concord, New Hampshire

Dear Dr. Atchison:

I have your letter of February 11. You called our attention to a vote of the State Board of Health of December 3, 1957 limiting the operation of the mobile x-ray unit. The Tuberculosis Commission has questioned the authority of the Board of Health in this respect and you requested our opinion as to which of the two agencies had jurisdiction over the operation of the mobile x-ray unit.

Subsequently you requested that a member of this office be present at the February 14th meeting of the Board of Health and at that meeting I orally advised the Board that in our opinion the Tuberculosis Commission had jurisdiction. This ruling was based upon RSA 136:3 which provides in part that the "tuberculosis commission shall . . . have full and exclusive control over all policies of the state in connection with tuberculosis control and the care and treatment of tubercular patients. . . ."

This letter is submitted so that you may have written confirmation of our opinion for your files.

Very truly yours,

Elmer T. Bourque
Assistant Attorney General

ETB/m